



12-16-02

RCE/3738

PTO/SB/30 (08-00)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of an utility or plant application
filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/745,643
Filing Date	December 22, 2000
First Named Inventor	Todd M. Boyce
Group Art Unit	3738
Examiner Name	B. Pellegrino
Attorney Docket Number	285-113 CON

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other _____

3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 04-1121
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☒ Check in the amount of \$ \$370 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Peter G. Dilworth	Registration No. (Attorney/Agent)	26,450
Signature	<i>Peter G. Dilworth</i>	Date	December 13, 2002

CERTIFICATE UNDER 37 C.F.R. § 1.10

I hereby certify that this correspondence and the documents referred to as enclosed are being deposited with the United States Postal Service on date below in an envelope as "Express Mail Post Office to Addressee" Mail Label Number EV17614444US addressed to:
Assistant Commissioner for Patents, Washington, D.C. 20231.

Name (Print/Type)	Maria Goldman	Date	December 13, 2002
Signature	<i>Maria Goldman</i>		



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(s): Todd M. Boyce et al. EXAMINER: B. Pellegrino
SERIAL NO: 09/745,643 GROUP: 3738
FILED: December 22, 2000 DATE: December 13, 2002
FOR: KEYED DOCKET: 285-113 CON
INTERVERTEBRAL DOWEL

Assistant Commissioner for Patents
Washington, D.C. 20231
Box RCE

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AMENDMENT SUBMITTED WITH REQUEST FOR
CONTINUED EXAMINATION UNDER 37 C.F.R. § 1.114

This Amendment is being submitted together with a Request for Continued Examination in the above-referenced case. The final Office Action, mailed October 23, 2002, finally rejected Claims 1, 2, 4-9 and 20-24. In response thereto, please amend the subject application as follows:

IN THE CLAIMS:

Please amend Claim 1 as follows:

1. (Twice Amended). An intervertebral implant comprising a substantially cylindrical body portion having a first end and a second end and
at least two tabs extending radially outward from the substantially cylindrical body portion, each of the at least two tabs possessing a configuration and dimensions complementing the configuration and dimensions of corresponding preformed recesses within a vertebral body, the body portion and tabs being formed from bone or material derived from bone.

CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this correspondence and the documents referred to as enclosed are being deposited with the United States Postal Service on date below in an envelope as "Express Mail Post Office to Addressee" Mail Label Number EV 176144444 US addressed to: Assistant Commissioner for Patents, Box RCE, Washington, D.C. 20231.

Dated: December 13, 2002

Maria Goldman
Maria Goldman